

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERVIN MIDDLETON, Jr.,

Plaintiff,

vs.

SOUTHWEST GAS, et al.,

Defendants.

Case No.: 2:19-cv-00599-GMN-GWF

**ORDER**

Pending before the Court is Plaintiff Ervin Middleton Jr.'s ("Plaintiff's") *Ex Parte* Motion for Temporary Restraining Order and Preliminary Injunction, (ECF Nos. 4, 5). In that Motion, Plaintiff requests a court order against the defendants in this case "barring them from any interruption of service" until this lawsuit is complete, which appears to concern utilities provided by Nevada Energy and Southwest Gas. (*See* Mot. at 3, ECF No. 4).

Federal Rule of Civil Procedure ("FRCP") 65 governs preliminary injunctions and temporary restraining orders. FRCP 65(b)(1) permits courts to issue a temporary restraining order without written or oral notice to the adverse party only if the temporary restraining order includes "specific facts in an affidavit or a verified complaint [that] clearly show . . . immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition," as well as written certification from the movant stating "any efforts made to give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1).

Here, Plaintiff's instant *Ex Parte* Motion fails to comply with FRCP 65(b)(1). First, to support an imminent injury, Plaintiff provides only a general statement that "the date for interruption of service by Defendants Nevada Energy and Southwest Gas is rapidly approaching." (Mot. at 3). That statement, however, does not explain how the interruption of

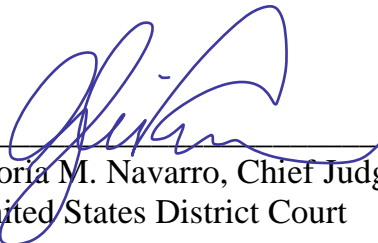
1 service would cause an irreparable injury to him, nor does it include adequate facts for the  
2 Court to find the injury imminent and needing immediate court action. Additionally, Plaintiff  
3 does not reveal any efforts to notify the defendants of his Motion for injunctive relief; and he  
4 does not state reasons for the Court to waive that notice requirement. *See* FRCP 65(b)(1).  
5 Plaintiff therefore fails to comply with the applicable rules when seeking *ex parte* preliminary  
6 injunctive relief.

7 Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff's *Ex Parte* Motion for Temporary  
9 Restraining Order and Preliminary Injunction, (ECF Nos. 4, 5), is **DENIED**.

10 **DATED** this 25 day of April, 2019.

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Gloria M. Navarro, Chief Judge  
United States District Court